

The purpose of this paper is to recommend a consistent approach to access to LMS websites for tutorial staff associated with the University's colleges and halls of residences. The approach is proposed to apply to all undergraduate subjects offered at the University and, where a graduate school chooses to opt in, to subjects located administratively in the graduate school.

Background

The College tutorial system is an established feature of the academic programs of the colleges and halls of residence affiliated with the University. College tutorials serve four primary functions:

- To help students understand subject material and to clarify important or difficult concepts;
- To help students broaden their perspective on subject materials;
- To provide a tutor-led common interest group for a subject in which students can gain support and discuss issues relevant to a subject;
- To help in special circumstances such as a lack of basic study skills, note taking, lack of background information, language difficulties etc.

In order to support the role of the college tutor, access to students' subject materials on the Learning Management System (LMS) is generally required. College students can, of course, share printed copies of subject materials with their college tutors; however, this process can be piecemeal and time-consuming for both students and college tutors. The various issues concerning the provision of LMS subject access for tutors in the residential colleges and halls of residence are set out below, and a policy to support a more consistent practice across the University is proposed. For brevity, this document uses the term 'college' to refer to the halls of residence as well as to the colleges.

Current provision of access to LMS subject sites

LMS subject sites are managed by a primary subject coordinator often in conjunction with other members of the teaching team. Permission from the subject coordinator is usually required for individuals other than enrolled students to access the LMS subject site. At present, permission to these sites for college tutors is provided in an inconsistent and *ad hoc* manner, ranging from refusal to grant access, to access and privileges being extended inappropriately to enable staff privileges in the subject site. For example, allocating staff level access to college tutors in LMS subject sites gives inappropriate visibility to students' grades and performance.

Current issues

Four issues have been raised by University staff in relation to access for college tutors to LMS sites.

1. Access to materials – copyright and IP implications. Concern has been raised by teaching staff that access should not be granted to subject materials in the LMS to college tutors on the basis of possible copyright and IP infringement, particularly in the case of access to student-

generated content (ie in blogs, wikis or discussion fora). This concern also extends to students' comments captured in recorded lecture sessions.

After interrogation of University Statute 14.1 *Intellectual Property* (see Appendix 1) and the *Copyright Act 1968* (Cth), a reasonable position can be taken that:

- to the extent that student contributions to online class discussion are 'teaching materials', copyright is owned by the University (Statute 14.1, para 14.1.3);
- to the extent that student contributions to online class discussion are 'scholarly works', the University has an irrevocable licence to use the works for its educational, teaching and research purposes (Statute 14.1 para 14.1.4.1);
- similar provisions apply to material created by academic staff, professional staff, and visitors: in all cases either copyright is owned by the University, or the University has a licence to use the material;
- third-party material is often included in the LMS, relying on the statutory licences of Part VA and Part VB of the *Copyright Act 1968* (Cth) - licences which permit access by college tutors as part of the educational purposes of the University.

In summary, there are no formal barriers to providing LMS subject site access to College tutors on the basis of copyright and IP considerations. Staff in one graduate school have expressed concern that their materials will nonetheless come to be used more widely since some college tutors have positions in other institutions. They feel, as a result, that the pedagogical 'edge' of their flagship graduate programs may be lost as a result. It should be noted, however, that this risk is present in any case, since students will continue to consult college tutors about subject materials. Indeed, providing systematic access to materials through the LMS will ensure that every college tutor has acknowledged their legal responsibilities in relation to use of the materials.

2. *Access to materials – privacy implications.* A second concern is that student postings to LMS are 'personal information' as defined in University Privacy Policy (<http://www.unimelb.edu.au/unisec/privacy/privacypolicy.html>) and in the *Information Privacy Act 2000* (Vic).

The policy requires that the University 'take reasonable steps to inform the [student] of: ... to whom we would usually disclose this kind of information'.

Student postings to the LMS are used only 'for the purpose for which it was collected', namely, discussion related to the subject, as permitted by the Privacy Policy.

All users of the LMS are bound by the University Privacy Policy, and so any trans-border data flows associated with the LMS are permitted under the policy.

The Privacy Policy also covers 'sensitive information', which includes, for example, political opinions. Should students choose to post 'sensitive information' in the LMS, they have implicitly consented to collection of that information by posting it.

In summary, the University is required to take reasonable steps to inform students that their LMS postings to online discussions and the like are available to fellow students in the subject, to those involved in teaching or administering the subject, and to tutors in affiliated institutions. A brief notice at <http://www.lms.unimelb.edu.au/login/> would suffice.

3. *Equity considerations.* A third concern that has been expressed by staff is that the participation of students in college tutorials and/or the provision of access to college tutors but not to tutors engaged privately create potential inequities. In addition, access to

additional tutorials is not available to all students, whether they are offered by the colleges or private tutors. It is certainly the case that additional tutorials, including college tutorials, are intended to enhance learning, and the University should support all efforts to enhance learning where possible. As already noted, students are able to pass on teaching materials to all tutors, whether college-based or private, and to work with these materials to deepen their understanding. In the case of college tutors, though, the relationship is arguably a more formal one, since college tutors are members of the University by virtue of the formal affiliation between the University and the colleges and halls of residence. As such, a more formal approach to the support of their activities is proposed here.

4. Preparation for use of subject materials. A fourth concern that has been raised is that the use of subject materials may depend on a particular pedagogical approach adopted by the lecturer(s) in the subject, and that college tutors may therefore lack the preparation or overview that would enable them to make proper use of the subject materials provided to students. It should be noted, however, that college tutors are unlikely to be attempting to 're-teach' the subject; rather, they will more likely be responding to issues raised by students about the materials. It is also important to re-iterate that students are likely to be making materials available where issues arise, and the college tutor is going to be less well prepared to provide appropriate guidance to the student where access to subject materials is only piecemeal.

Recommendation

In light of this analysis, it is recommended that college tutors be given a student level only¹ access to subject sites on the LMS in order to provide academic support for college students. This formal arrangement should be managed between Heads of Colleges and the Office of the Provost and enabled centrally by the LMS Academic Support team on receipt of advice from colleges.

Given the need for further dialogue with some graduate schools about college support for graduate programs, it is proposed that this arrangement should apply to all undergraduate subjects. Graduate schools may also choose to opt in to the arrangement for all subjects that are located administratively in the graduate school.

The suggested procedure to enable college tutor access to LMS subjects is:

1. The college head (or nominee) should collect all current college tutor nominations and details including names, contact details and LMS subject or community site access requirements for each semester and forward a 'request for access' notification to the LMS Academic Support team coordinator.
2. College tutor accounts will be created in the LMS by the LMS Academic Support team coordinator, and enrolled into the subject site with a student level of privilege. This role will be identifiable within the LMS subject site(s). These accounts will be kept on a central register to maintain records.
3. On initial login using this special account, college tutors will be required to acknowledge (through click-through mechanism) that they are bound by the University of Melbourne's rules of use.

¹ A student-level account is planned, which will therefore block access to student grades, modification of subject content etc.. It will also be possible to block access to other elements as required, for example, tests, discussion forums.

4. An LMS system email will be generated and sent to the subject coordinator to advise of the enrolment of the college tutor, and will include the tutor's details, duration of access and a statement that this access is preceded by the tutor undertaking to comply with University rules of use.

The LMS Academic Support team will establish a coordinated series of technical and 'business' processes to manage and administer LMS accounts for college tutors.

College tutors – both external and UoM will be granted a modified account in the LMS subject site. College tutors will NOT at any time be provided with staff level access to the LMS subject site as this will enable deeper access to other enrolled students' grades and performance statistics.

Communication of any revised arrangements

On adoption of this policy, communication will be issued from the Provost's Office which clearly addresses:

- The role of Heads of Colleges in managing the tutor function
- The concerns of LMS subject coordinators and the purpose, provision and process of access to College tutors
- The responsibilities of College tutors under relevant legislation and University statutes, policies and procedures.

Date

6 September, 2011

Deputy Vice-Chancellor (Academic), Professor Pip Pattison

Approved by September Academic Board.

Appendix 1: Excerpts from IP Statute 14.1

"teaching material" means all versions, whether digital or otherwise, of information, documents and materials created or used for the primary purpose of teaching and education at the University, including the permitted adaptation or incorporation of the scholarship, learning or research of the relevant member of academic staff, honorary appointee, visitor or student for that primary purpose, and without limiting the generality of the foregoing, includes lecture notes that are made available to students, computer-generated presentations, course guides, overhead projector notes, examination scripts, examination marking guides, course databases, websites and multimedia-based courseware.

"scholarly works" means any article, book, musical composition, creative writing or like publication or any digital or electronic version of these works that contains material written by any member of academic staff, an honorary appointee, a visitor or a student based on that person's scholarship, learning or research, but does not include work that is teaching material or any work that comes within the terms of the University's invention disclosure policy.

Clause 14.1.3 states:

14.1.3 Ownership of intellectual property created by students, honorary appointees or visitors

All rights (other than moral rights) to intellectual property created by any student, honorary appointee or visitor whilst engaged in an activity which is the subject of a specified agreement are owned by the University. All rights in relation to teaching material created by a student, honorary appointee or visitor are owned by the University. All other rights to intellectual property, including in relation to scholarly works, are owned by the student, honorary appointee or visitor to the extent to which that person created such works.

Statute 14.1, para 14.1.4:

"1. The author of scholarly works created whilst the author is a member of academic staff or a student, honorary appointee or visitor of the University, is deemed to have granted to the University, unless otherwise agreed by the University, a non-exclusive, royalty-free, worldwide and irrevocable licence to use for educational, teaching and research purposes only, those scholarly works for the duration of the period in which the intellectual property rights subsist in the scholarly works, whether or not the relevant member of academic staff, honorary appointee or visitor is still employed or engaged by the University, or the student is still enrolled at the University.

2. In exercising its rights under the licence granted to the University pursuant to section 14.1.4(1), the University recognises the moral rights of the author, including the rights of attribution and integrity of authorship, and that any use is for the University's benefit only and not for the personal exploitation or gain of any third parties, including other members of staff or students."